

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00087

ERNEST WISMAN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 26 and September 23, 2005, the United States of America appeared by R. Gregory McVey, Assistant United States Attorney, and the defendant, Ernest Wisman, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Michael S. Hill, the defendant having commenced a thirty-month term of supervised release in this action on June 6, 2003, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on January 23, 2003.

The court heard the evidence and the representations and argument of counsel.

For the reasons set forth in the Memorandum Order entered by the court on September 20, 2005, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: that the defendant committed an assault on Laurie Lee Taylor on February 17, 2005, under W.Va. Code § 61-2-9(b) in that he unlawfully committed an act that placed her in reasonable apprehension of immediately receiving a violent injury; and, alternatively, that the defendant did commit a battery on Ms. Taylor under W.Va. Code § 61-2-9(c) in that he unlawfully and intentionally caused physical harm to her.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

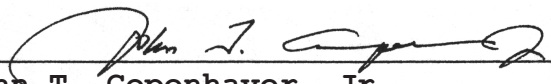
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the

intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHTEEN (18) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 27, 2005



John T. Copenhaver, Jr.
United States District Judge